

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED STATES POSTAL SERVICE**

**and**

**Cases 08-CA-213645  
08-CA-219955**

**AMERICAN POSTAL WORKERS UNION,  
LOCAL 170**

**DECISION AND ORDER**

Statement of the Cases

On October 31, 2018, the United States Postal Service (the Respondent), American Postal Workers Union, Local 170, and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.<sup>1</sup>

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.<sup>2</sup>

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<sup>1</sup> Chairman Ring is recused and took no part in the consideration of this case.

<sup>2</sup> We note that the remedy to which the parties have agreed differs in some respects from previous broad orders that the Board has issued against the Respondent in cases alleging that the Respondent has violated Sec. 8(a)(5) of the Act by failing and refusing to provide relevant information. See, e.g., *United States Postal Service*, 345 NLRB 426 (2005), enfd. 486 F.3d 683 (10th Cir. 2007); *United States Postal Service*, 28-CA-017383 et al., unpublished order issued November 4, 2002, enfd. Case 02-9587 (10th Cir. 2003). These broad orders, as enforced by the United States Courts of Appeals, remain in effect, and the Board's approval of this stipulation does not modify these orders in any respect.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

### **Findings of Fact**

#### **1. The Respondent's business**

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facilities in the Respondent's Toledo, Ohio area.

The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA), 39 U.S.C. § 101 et seq.

#### **2. The labor organization involved**

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

At all material times, the American Postal Workers Union, AFL-CIO (APWU) has been a labor organization within the meaning of Section 2(5) of the Act.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, United States Postal Service, Toledo, Ohio, its officers, agents, successors, and assigns, shall

1. Cease and desist from the following in connection with the Respondent's employees employed in the Respondent's facilities in the Toledo, Ohio area

(a) Failing or refusing to bargain collectively and in good faith with the Union by failing and refusing to furnish the Union with requested information that is relevant and necessary to the APWU and the Union's performance its functions as the collective bargaining representative of employees in the following appropriate unit (Unit):

All maintenance employees, motor vehicle employees, postal clerks, the special delivery messengers, mail equipment shops employees, material distribution centers employees, and operating •services and facilities services employees; and excluding managerial and supervisory personnel, professional employees. employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work forces as

defined in Article 7 of the Collective-Bargaining Agreement, rural letter carriers, mail handlers, and letter carriers.

(b) Refusing to bargain collectively and in good faith with the Union by unreasonably delaying in furnishing the Union with requested information that is relevant and necessary to the APWU and the Union's performance of its functions as the collective bargaining representative of employees in the Unit.

(c) Unreasonably delaying in informing the Union that requested information that is relevant and necessary to the Union's performance of its functions as the collective-bargaining representative of employees in the Unit does not exist.

(d) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Bargain collectively and in good faith with the APWU and the Union as the exclusive collective-bargaining representative of the Unit.

(b) Conduct annual training with each manager and supervisor at the Toledo, Ohio P&DC (Processing and Distribution Center) who is designated to receive and respond to the Union's requests for information related to Unit employees on how to maintain information and tender requested information to the APWU and the Union.

(c) Within 14 days of service by the Region (1) post at the locations listed in Appendix A; and (2) send to all its managers and supervisors in those facilities copies of the attached notice marked Appendix B. Copies of the notice, on forms provided by the Region, after being signed and dated by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps Respondent has taken to comply,

Dated, Washington, D.C., April 26, 2019.

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Lauren McFerran, Member

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Marvin E. Kaplan, Member

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William J. Emanuel, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **APPENDIX A**

### **NOTICE TO EMPLOYEES POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

#### **PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

Toledo P&DC — 435 S. St. Clair Street, Toledo, Ohio 43601  
Toledo VMF — 435 S. St. Clair Street. Toledo, Ohio 43601  
Bowling Green — 111 West Washington Street, Bowling Green, Ohio 43402  
Clyde — 131 W. Buckeye Street, Clyde, Ohio 43410  
Fremont — 2121 Enterprise Street, Fremont, Ohio 43420  
Oak Harbor — 126 Church Street, Oak Harbor, Ohio 43449  
Port Clinton — 1231 West 2nd Street, Port Clinton, Ohio 43452  
Rossford — 313 Glenwood. Rossford. •Ohio 43460  
Bryan — 142 N. Main Street, Bryan, Ohio 43506  
Defiance — 420 W.2d Street, Defiance, Ohio 43512  
Delta — 6660 US-20 ALT, Delta, Ohio 43515  
Holland — 6923 Angola Road. Holland. Ohio 43528  
Montpelier — 209 Empire Street, Montpelier, Ohio 43543  
Maumee -- 1375 Ford St., Maumee, Ohio 43537  
Napoleon -- 206 W. Washington St., Napoleon, Ohio 43545  
Perrysburg - 1205 Louisiana Ave., Perrysburg, Ohio 43551  
Swanton -- 250 S. Hallett Ave., Swanton, Ohio 43558  
Sylvania -- 5745 Post Office Way, Sylvania. Ohio 43560  
Wauseon -- 124 Elm St Wauseon, Ohio 43567  
Central Retail -- 235 N. Erie St, Toledo, Ohio •43604  
Central Annex -- 430 Broadway St., Toledo. Ohio 43604  
Kenwood Station -- 2941 Houghton Dr., Toledo, Ohio 43606  
Manhattan -- 553 E. Manhattan Blvd.. Toledo, Ohio 43608  
Midtown -- 1609 Door St., Toledo, Ohio 43607  
Point Place Station -- 4445 N. Summit St., Toledo, Ohio 43611  
Reynolds Corners -- 6020 W. Bancroft St. Toledo, Ohio 43615  
Oregon Branch -- 3054 Dustin Rd.. Oregon, Ohio 43616  
Old West End -- 2280 Ashland Ave., Toledo. Ohio 43620  
Franklin Park Station 5151 Monroe St., Toledo, Ohio 43623  
South Toledo -- 1144 S. Detroit, Toledo, Ohio 43614  
Station A -- 618 2nd Street, Toledo. Ohio 43605  
West Tole-do -- 1568 W. Sylvania, Toledo, Ohio 43612  
Wernerts Station — 2618 Tremainsville Road Toledo, Ohio 43613

## **APPENDIX B**

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**The American Postal Workers Union, Local 170 (Local Union)**, the agent of the American Postal Workers Union, AFL-CIO (National Union) is the exclusive collective-bargaining representative of the following employees at our facilities in the Toledo, Ohio area, listed in Appendix A (herein called the Unit):

All maintenance employees, motor vehicle employees, postal clerks, the special delivery messengers, mail equipment shops employees, material distribution centers employees, and operating •services and facilities services employees; and excluding managerial and supervisory personnel, professional employees. employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental work forces as defined in Article 7 of the Collective-Bargaining Agreement, rural letter carriers, mail handlers, and letter carriers.

**WE WILL NOT** fail or refuse to furnish the Local Union, in a timely manner, with requested information that it needs to represent the Unit employees.

**WE WILL NOT** unreasonably delay in furnishing the Local Union with requested information that it needs to represent the Unit employees.

**WE WILL NOT** unreasonably delay in informing the Local Union that the information it has requested does not exist.

**WE WILL** bargain collectively and in good faith with the Local Union, the agent of the National Unit, as the exclusive collective-bargaining representative of the Unit employees.

**WE HAVE** furnished the Local Union with requested information concerning staffing packages, and in the future, **WE WILL** furnish the Local Union, in a timely manner, with requested information that it needs to represent the Union employees.

**WE WILL** conduct annual training with each manager and supervisor designated to receive and respond to information requests from the Local Union on how to maintain information and tender relevant information to the Local Union.

**WE WILL NOT** in any like or related manner, interfere with your rights under the Federal law listed above.

**UNITED STATES POSTAL SERVICE  
Northern Ohio District**

The Board's decision can be found at [www.nlr.gov/case/08-CA-213645](http://www.nlr.gov/case/08-CA-213645) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

